1941. **File No.** Regis. II/41

Legal **DEPARTMENT**

B: **BRANCH**

Subject:—

Rules and Notifications under the Registration Act

File No. Regis. II/41

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The first question for consideration of the Remembrancer of Legal Affairs is whether the Indian Registration Act, 1908, applies to the partially excluded areas of Mewasi estates. Section 1(2) of the Act provides that the said Act extends to the whole of British India, except such districts or tracts of country as the Provincial Government may exclude from its operation. The Mewasi estates form part of British India (see Remembrancer of Legal Affairs' opinion No.1846, dated 19th July 1917 and Remembrancer of Legal Affairs' note dated 5th July 1939 at pages 297-301 of Revenue Department File No.4403/28). Unless therefore Government has under this section excluded the partially excluded areas of the Mewasi estates from the operation of the said Act, the Act would extend to such areas. From Volume I of the Local Rules and Orders, Edition 1936, it does not appear that Government has issued any order under section 1(2) of the said Act excluding these areas from the operation of the Act. The Revenue Department is therefore requested to verify whether any such order has been issued by it. If no such order has been issued, the Act must be held to apply to these areas.

2. The second question for consideration of the Remembrancer of Legal Affairs is whether the draft notification at page 11 ante is in order. The draft notification provides for application of the Indian Registration (Amendment) Act, 1940, to all the partially excluded areas in the Province of Bombay. The intention is that this amending Act should be applied to all the partially excluded areas to which the main Indian Registration Act, 1908, applies. If as pointed out in paragraph 1 above there is no order under section 1(2) of the Indian Registration Act excluding the Mewasi estates from the operation of the Act, the Act would apply to these areas and the draft notification at page 11 ante as slightly amended will be in order.

3. The third question for consideration of the Remembrancer of Legal Affairs is whether an amendment of the Bombay Act XIV

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of 1939 is necessary in view of the Indian Registration (Amendment) Act, 1940, for reasons pointed out in the letter of the Inspector General of Registration at page 3 ante. The view taken by the Inspector General of Registration that the amendment made in section 28 of the Indian Registration Act, 1908, by the amending Act No.XXXIII of 1940 does not fit in with the section 28 as amended by the Bombay Act IV of 1939 is correct. It will be necessary to undertake legislation for removing the incongruity. The exact form of the legislation will be settled after Government decides to undertake the legislation.

Sd. P.N.Moos, 16/4
Remembrancer of Legal Affairs.

U.R.to R.D.,No. 3384, dated the 18th April 1941.

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Revenue Department,

Bombay Castle, July 1941.

ERRATUM.

The Indian Registration Act,1908.

No. .- In the Second Schedule to Government Notification in the Revenue Department No.1940/24, dated the 1st November 1940, in column 3 against the sub-district of Rahata in the Ahmednagar district, for the entry "(10) Belapur Road (and the hamlet of Gondhavani)" shall be substituted. Gondhavani the entry

By order of the Governor of Bombay,

Secretary to Government.

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It appears from the letter of the Collector of Ahmednagar No.L.N.D./1937, dated the 6th October 1940, that the locality called 'Belapur Road' at present forms part of the village of Gondhavani. As a result of 'Belapur Road' being formed into a village and Gondhavani village being reduced to the status of a hamlet under 'Belapur Road', the limits of the Rahata registration sub-district in the Ahmednagar district will not be altered. Consequently, no notification under section 5 of the Indian Registration Act, 1908, as proposed by R.D. (p.17 ante) is necessary. An erratum will suffice. (See R.L.A's No.2281, dated 14th March 1941). The requisite draft erratum is sent herewith.

Sd. H.K.Chainani,
For Remembrancer of Legal Affairs.

U.R.to R.D.,No.6354, dated the 21st July 1941.

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K.I.No.5672.
28-6-41.

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A revised draft notification is sent herewith. The notification should be published in Part IV-A of the Bombay Government Gazette.

Sd. H.K.Chainani,

For Remembrancer of Legal Affairs.

U.R.to R.D.,No.6579, dated the 26th July 1941.

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Draft Notification.

Revenue Department.

Bombay Castle, 1941.

No.523-A.- The following further amendment of rule 6 of the Bombay Registration Rules, published in Government Notification, in the Revenue Department No.1940/24, dated the 30th September 1924, made by the Inspector General of Registration for the Province of Bombay, in exercise of the powers conferred upon him by section 69 of the Indian Registration Actm, 1908 (XVI of 1908), in its application to the Province of Bombay, having been approved by the Government of Bombay, is published for general information:-

In the statement in sub-rule (1) of the said rule 6, for the entries in the columns bearing the headings "Date on which office is to be held" and "Authority" relating to Brandol Sub-district, the following entries shall be substituted, with effect from the .....*..... day of .....* ..... 1941, namely:-

*Date and month to be inserted by the R.D.

Tuesday, Thursday and Saturday during the months of December to June and Tuesday and Thursday during the months of July to November.	Government Notification, Revenue Department, No..... dated .....

By order of the Governor of Bombay,

Secretary to Government.

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Office of the R.L.A.

In place of the draft notifications on pages 21 and 25 proposed by the R.D., revised draft notifications I and III are sent herewith.

(a) Under sub-rule (2) of rule 6 of the Bombay Registratic Rules, the office of the Sub-Registrar at Kalyan will remain closed during the periods of his visit to Mokhada and Shahapur. No provision for this purpose has therefore been made in revised draft notification III.

(b) From the R.D. copy of the Bombay Registration Rules, it appears there is only one entry regarding Mokhada under rule 46(5) of the Bombay Registration Rules, which is now proposed to be reloted. The revised draft notification III accordingly provides for the deletion of the whole of sub-rule (5) of rule 46.

2. Since under the proposed arrangements the office of the Sub-Registrar of Mokhada will be abolished, it is necessary to cancel G.N., R.D.No.1737/24, dated the 10th September 1924, in so far as it relates to the establishment of the office of the Joint Sub-Registrar at Mokhada. Draft notification II is sent herewith for this purpose.

Sd. M. K. Chainani,
for Remembrancer of Legal Affairs.

U.R.to R.D.,No.7052, dated the 11th August 1941.

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Revenue Department,

Bombay Castle, 1941.

The Indian Registration Act, 1908.

No. .- In exercise of the powers co[illegible] by section 5 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the Province of Bombay, the Government of Bombay is pleased to amend with effect from ..... Government Notification in the Revenue Department No.1940/24 dated the 1st November 1940, as follows, namely:-

To be filled in by R.D.

In the said notification, in the Second Schedule, in the entries in column 3 against the sub-districts of Kalyan and Bhiwandi in the Thana District, —

(i) after the word "Shahapur" the words "and Mokhada Petha" shall inserted and

(ii) for the words "Pethas of Wada and Mokhada" the words "Wada Petha" shall be substituted.

II.

The Indian Registration Act, 1908.

No. .- In exercise of the powers conferred by section 7 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the Province of Bombay, the Government of Bombay is pleased to direct that Government Notification in the Revenue Department No.1737/24, dated the 10th September 1924 in so far as it provides for the establishment of the office of the Joint Sub-Registrar at Mokhada shall be cancelled.

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"II.

The Indian Registration Act, 1908.

No. The following furth amendments of rules 6 and 46 of the Bombay Registration Rules, published in Government Notification in the Revenue Department No.1940/24 dated the 30th September 1924, made by the Inspector General of Registration, for the Province of Bombay, in exercise of the powers conferred upon him by section 69 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the Province of Bombay, having been approved by the Government of Bombay, are published for general information:-

(1) In the statement in sub-rule (1) of the said rule 6, for the entries in the columns bearing the headings "Place of visit", "Date on which office is to be held" and "Authority" relating to Kalyan sub-district, the following entries shall, respectively, be substituted, with effect from the ....*..... day of .....*..... 1941, namely:-

To be filled in by R.D.

"Mokhada	Second Monday in the months of January, March and May.	Government Notification Revenue Department No. dated 1941"
Shahapur	Five days from Tuesday to Saturday (both inclusive) in the months of January, March and May; and six days from the Second Monday to the following Saturday in the months of February, April, June to August and December.	

(2) Sub-rule (5) of rule 46

shall be deleted.

By order of the Governor of Bombay,

Secretary to Government.

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The attention of the Revenue Department is invited to the R.L.A's U.Rs.to R.D.No.8684 dated the 3rd October 1940, No.10029, dated 15th November 1940 and No.2281 dated the 14th March 1941. In this case also both the villages of Seaforde and Dandi are to be amalgamated into one village and the new limits of the village of Dandi will include the area which originally formed the village of Seaforde. Both these villages form part of the Jalalpore sub-district. As a result of the amalgamation of these two villages, the limits of this sub-district are not altered. Consequently, no notification under section 5 of the Indian Registration Act, 1908, is necessary. As the village of Seaforde will now cease to exist as a separate village and as the area originally included in its limits will now be included in the limits of the village of Dandi, the only thing necessary is to delete the entry relating to "Siford" now spelt as "Seaforde" from column 3 of the Second Schedule to Government Notification, Revenue Department No.1940/24, dated 1st November 1940. The requisite draft erratum is appended.

Sd. H.K.Chaffnani,
for Remembrancer of Legal Affairs.

U.R.to R.D.,No.8674, dated the 4th October 1941.

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Revenue Department,

Bombay Castle 1941.

Erratum.

The Indian Registration Act, 1908.

No. .- In the Second Schedule to Government Notification in the Revenue Department, No.1940/24, dated the 1st November 1940, in column 3 against the sub-district of Jalalpore in the Surat district, the following entry shall be deleted,namely:-

"(78) Siford."

By order of the Governor of Bombay,

Secretary to Government.

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Office of the R.L.A.

A revised draft of the rules is sent herewith.

2. Draft rule 93 of the Inspector General of Registration (page 5 ante) does not fall under section 69 (1)(g) of the Indian Registration Act, 1908. It would, however, be covered by clause (j) of section 69(1) and its provisions may be included in the rules by inserting the following as sub-rule (2) of rule 77 of the Bombay Registration Rules and renumbering that rule as sub-rule (1) of rule 77:-

"(2) Every Inspector shall also inspect the Books of the Sub-Registrars subordinate to him and the Books in the central office of record for the district and report to the Registrar the Register-books mentioned in sub-section (1) of section 51 of portions thereof which are in danger of being destroyed or becoming illegible wholly or partially."

3. Under sub-section (5) of section 51, the discretion to direct any register book or portion thereof to be recopied on account of its being in danger or being destroyed or becoming illegible wholly or partially vests in the Registrar. Any rule fettering this discretion would be inconsistent with the provisions of section 51(5) and would not be intra vires. The provision in draft rule 94 (page 5) which requires the Registrar to direct the recopying of only those books which are less than sixty years old has therefore been omitted from the revised draft rules. The object in view can be achieved by issuing suitable executive instructions to the District Registrars.

Sd. P.N.Moos,
Remembrancer of Legal Affairs.

U.R.to R.D.,No.9167, dated the 24th October 1941.

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Revised draft rules.

Part X-A

Recopying of Register-Books which are in danger of being destroyed or becoming wholly or partially illegible.

26-A. The District Registrar may on the report of an Inspector made to him under sub-rule (2) of rule 77 or after personal inspection by a written order direct under sub-section (3) of section 51 that ~~any~~ any particular register-book or portion thereof which is in danger of being destroyed or becoming illegible wholly or partially shall be recopied by hand or by photography, as he may deem fit:

Provided that where only a portion of an entry is in danger of being destroyed or becoming illegible wholly or partially, he shall direct that the whole entry including the true copy certificate shall be recopied.

26-B. Every entry, which under an order passed under rule 26A is to be recopied, shall be recopied in the new regist in its entirety along with the true copy certificate and each recopied entry shall be carefully compared with the entry in the original register-book. The Registering Officer shall then certify under his signature that it is a true copy in the manner laid down in rule 46. A note of the District Registrar's order

directing the recopying of the entry shall be made below the fresh true copy certificate.

26-C. When an entire book is recopied, the new book shall bear the same number as the old one. The old book shall, after the new book has been compared and certified by the Registering Officer, be destroyed and a note about its destruction shall be made in the catalogue of records. Such note shall also show the number of the new book in which the entries from the old book have been recopied.

26-D. (1) Where only a portion of a book is to be recopied, the new book in which it is recopied shall bear fresh serial number such 1-A, 2-A, 3-A, 4-A or 5-A, as the case may be.

(2) A register in the following form shall be maintained in which full particulars of the books partially recopied shall be entered.

(a) Serial No.

(b) Registered No. of the entries recopied.

(c) Nos of the pages of the old book the entries of which have been recopied.

(d) No. of the old book.

(e) No. of the new book.

(f) Nos. of the pages of the new ook on which entries have been recopied.

(g). Authority under which the entries have been recopied.

Such register shall be preserved permanently.

(3) A note shall be made in the old book below each original entry which has been recopied showing the number of the new book and the number of the page in such book in which the entry has been recopied.

26-E. All notes made under the rules contained in this Part shall be signed and dated by the Registering Officer.

26-F. If, in the opinion of the District Registrar, any register-book, which is wholly or partially damaged but the writing on which is clear and legible and which is less than 60 but more than 40 years old can be repaired by using butter paper, the District Registrar may by a written order direct that such book or such portion thereof as he thinks fit shall be so repaird instead of being recopied as provided in rules 25-A and 26-B.

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Office of the R.L.A.

A revised draft notification is sent herewith.

Sd. M.K.Chainani,

For Remembrancer of Legal Affairs.

U.R.to R.D.,No.9884, dated the 17th November 1941.

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Revenue Department,

Bombay Castle, November 19

The Indian Registration Act, 1908.

No. .- In exercise of the powers conferred by sections 5 and 7 of the Indian Registration Act, 1908 (XVI of 1908) and in supersession of all previous notifications issued in this behalf, in so far as they relate to the formation of the District and Sub-district of Bombay and the establishment and amalgamation of the offices of the Sub-Registrar and District Registrar, Bombay, the Government of Bomba is pleased for the purposes of the said Act —

(1) to form the District and Sub-district of Bombay and to direct that the limits of the said District and Sub-distri of Bombay shall be co-extensive with the limits of the City of Bombay as defined in the Bombay General Clauses Act, 1904 (Bom. of 1904);

(2) to establish the offices of the Registrar of Bombay and Sub-Registrar Bon in the said District and Sub-district of Bombay respectively;

(3) to amalgamate the office of the Sub-Registrar, Bombay, with that of the Registrar of Bombay; and,

(4) to authorize the Sub-Registrar Bombay to exercise all the powers and duties of the Registrar of Bombay, except those of hearing and appeal against an

order passed by himself.

By order of the Governor of Bombay,

Secretary to Government

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